

UNITED STATES DISTRICT COURT
for the

Eastern District of Michigan

United States of America

v.

Noe Garza,

Case No.

Case: 2:21-mj-30296

Assigned To : Unassigned

Assign. Date : 6/11/2021

Description: IN RE: UNITED
STATES V. NOE GARZA

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 20, 2020 & November 26, 2020 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm
18 U.S.C. § 922(k)	Possession of a firearm with an obliterated serial number
21 U.S.C. § 841(a)	Distribution of controlled substances
18 U.S.C. 924(c)	Carrying a firearm during and in relation to a drug trafficking crime).

This criminal complaint is based on these facts:

I have probable cause to believe that on November 20, 2020, and November 26, 2020, in the Eastern District of Michigan, Noe Garza violated 18 U.S.C. § 922(g)(1) (possession of firearms and ammunition by a prohibited person); 21 U.S.C. § 841(a) (distribution of controlled substances); 18 U.S.C. 924(c) (carrying a firearm during and in relation to a drug trafficking crime); and that on November 26, 2021, in the Eastern District of Michigan, Noe Garza violated 18 U.S.C. § 922(k) (possession of a firearm with an obliterated serial number).

Continued on the attached sheet.


Complainant's signature

H. Dann Harris, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 11, 2021

City and state: Detroit, MI


Judge's signature

Kimberly G. Altman, United States Magistrate Judge
Printed name and title

AFFIDAVIT

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since September 2003. I have been assigned to the Detroit Division, Flint Resident Agency since December 2006. I have been involved in numerous investigations of firearms, trafficking of illegal drugs and street gang investigations resulting in successful federal prosecutions.

2. I make this affidavit from personal knowledge based on my participation in this investigation, my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. Other law enforcement officers and I are currently investigating Noe Garza for various federal offenses including violations of 18 U.S.C. § 922(g)(1) (possession of firearms and ammunition by a prohibited person; 18 U.S.C. § 922(k) (possession of a firearm with an obliterated serial number); 21 U.S.C. § 841(a) (distribution of controlled substances); 18 U.S.C. 924(c) (carrying a firearm during and in relation to a drug trafficking crime).

4. On November 20, 2020, the Burton Police Department (BPD), Burton, Michigan, which is within Genesee County Michigan, was contacted regarding the sale of drugs by an individual identified as “Noe” from room 124 of the Burton Inn. Upon arrival at the Burton Inn, management of the property requested Burton Police immediately evict the occupants of room 124 based on information involving the sale of narcotics by individuals in the room. BPD Officer Michael Catlin was provided with a key to the room by management.

5. Officer Catlin knocked and announced “police” at room 124, and he requested the residents come to the door, Officer Catlin observed individuals within the room through sheer curtains and could also hear movement within the room. Occupants of the room were not compliant and did not come to the door. Officer Catlin utilized the room key provided by management and opened the door. Officer Catlin observed Noe Garza and a female as being the occupants. Garza continued to not comply with commands to leave the room and he began to move towards the bed. Garza looked towards the bed on several occasions. Officer Catlin entered the room and observed a silver revolver on the bed near a baggie containing an amount of white rock like substance. Garza and the female were both detained and removed from the room.

6. Garza was advised of his Miranda Rights and agreed to talk with Officer Catlin. Further, Garza signed a consent to search form for the room as he was the registered occupant. Garza was placed in a BPD police vehicle in handcuffs.

7. Officer Catlin confirmed the location of a silver Smith and Wesson handgun on the single bed in the middle of the room. Next to the handgun was located a large plastic bag containing multiple other smaller baggies. The large bag contained two (2) large baggies of suspected methamphetamine, four (4) baggies of suspected Fentanyl, two (2) baggies with a rock like substance suspected to be crack cocaine (cocaine base), and one hundred sixty-five (165) dosage units of suspected acid/LSD. Also located were five (5) live rounds of .38 special ammunition contained within the handgun and five (5) additional live rounds. Officer Catlin also located a silver box on the table within room 124 which contained a scale and a bindle of suspected heroin. The items located were seized as evidence.

8. A search of Garza revealed \$1,100 in United States currency in Garza's front left pocket along with an additional room key which was tested and unlocked room 124.

9. An interview of Garza was conducted. Garza admitted the substances in the bag on the bed near the firearm were methamphetamine and fentanyl. Garza admitted he did not have a job and sold drugs for income. Upon inquiry about the handgun located near the suspected methamphetamine and Fentanyl, Garza advised the handgun was for protection. Garza was aware he was a convicted felon and had previously been sentenced to prison for sale and delivery of narcotics.

10. On November 26, 2020, at approximately 9:15 a.m., Metro Police Authority (MPA), a law enforcement agency within Genesee County, Michigan, received information that an unidentified individual was concealing merchandise on their person within the Meijer store located at 2474 West Hill Road, Flint, Michigan. MPA Officer Steven Fisher and MPA Sergeant Johnson were advised the individual stealing merchandise was outside of the store without paying for the items and had entered a white Pontiac Grand Prix that was still located in the parking lot.

11. At approximately 9:30 a.m., Sergeant Johnson and Officer Fisher approached the white Pontiac Grand Prix and observed two subjects inside the vehicle. The vehicle was occupied by Noe Garza and a male subject (S-1). S-1 was the individual observed by the Meijer employee concealing merchandise

inside the store. Both individuals were removed from the vehicle and placed in handcuffs.

12. During a search of Garza's person incident to arrest, Officer Fisher located seventeen (17) Subuxone doses in Garza's right front pocket. Garza advised the Subuxone was his "prescription for the month" and further advised he used two (2) Subuxone strips per day and had fourteen (14) Subuxone strips in his possession. Garza advised officers he recently purchased the white Pontiac Grand Prix and did not have registration for the vehicle at the time of the incident. Garza advised he was unaware of S-1 stealing items from Meijer.

13. Following the arrest of Garza and Hutchinson, Officer Fisher searched the white Pontiac Grand Prix. Located within the vehicle was the following items including, but not limited to, the following: approximately 0.3 grams of suspected methamphetamine located in a metal tray between the drivers seat and the drivers door, two (2) Subuxone doses located under the drivers seat, one (1) live round of 9mm ammunition located between the drivers seat and the center console, a black and green "Digiweigh" digital scale located in the center console, approximately 9.3 grams of suspected marijuana located on the center console, approximately 816.3 grams of suspected marijuana in a fine powder form contained within a black "Fila" backpack in the vehicle's back seat, approximately 222.3 grams of

suspected marijuana contained within an “Adidas” bag in the vehicle’s back seat, approximately 456.3 grams of suspected marijuana contained within a black “Air Jordan” bag in the vehicles trunk. Additionally, items stolen from Meijer and returned to the store were located. The items stolen include the following: four (4) pair of “Franklin” batting gloves contained within an “Easton” backpack in the vehicle’s back seat, two (2) “Mace” pepper spray case contained within the “Easton” backpack in the vehicle’s back seat and the “Easton” backpack. One (1) hypodermic syringe was also located in the rear passenger side of the vehicle. The syringe was not seized due to biohazard concerns.

14. At the MPA office, Garza was read his Miranda Right by Officer Fisher. Garza waived his Miranda Rights and agreed to speak with Officer Fisher. Garza advised Officer Fisher that on November 20, 2020, Garza’s hotel room at the Burton Inn was raided by police. Law enforcement seized money and methamphetamine from the hotel room, but Garza was not taken to jail. Garza admitted the money in Garza’s pocket was from the sale of marijuana and Subuxone. Garza did not possess a marijuana caregiver or patient card. Garza advised he had a prescription for the Subuxone, but Garza sells half of his doses to other people. Garza indicated the methamphetamine in the white Pontiac Grand Prix belonged to S-1. Garza advised he was a convicted felon, denied ever having

a firearm in the vehicle and denied knowledge of the 9mm ammunition located in the vehicle.

15. A subsequent search of the MAPS prescription system revealed that Garza did not have a prescription for Subuxone and had not for the past two (2) years.

16. Under MPA policy inventory of impounded vehicles, all areas of the vehicle which may contain property shall be searched including containers. MPA officers searched the white Pontiac Grand Prix after it was towed to a lot at Alexander's Towing. During a search of the engine compartment, MPA Officer Grocholski located a black mesh bag concealed behind the vehicle's battery. Contained within the black mesh bag was a Ruger EC9s pistol. Contained within the pistol was a magazine along with six (6) live 9mm rounds of ammunition. No live round was located in the chamber of the firearm. The serial number of the firearm had been obliterated/altered/destroyed.

17. Following the two incidents described above, Mount Morris Township Police Department (MMTPS) Sergeant Laurie Salem reviewed recorded jails calls of Garza during his incarceration in the Genesee County Jail for the November 26, 2020 arrest. On December 16, 2020, at approximately 2:42 p.m., inmate Garza placed a call to 810-884-9032. During the call with another

individual, Garza stated “No one’s gonna touch you you, yo. I still got the stake. I still got the stake. My ma got it in the car. They, the cop never found it. Stupid fucking Metro police never found my fucking banger. They dumb as fuck yo. Look it, get me the fuck out yo, I gonna bang all they shit” Based on my review of the call, I know that when Garza stated he was “gonna bang all they shit” he was referring to members of a street gang, not to law enforcement officers.

18. I have successfully completed specialized training in the identification of firearms and interstate nexus in August 2019. I am aware the aware the Smith & Wesson (Smith & Wesson Brands, Inc.), .38 Special caliber revolver, Model 442, Serial Number BPM7760 seized by Burton PD; and the Ruger (Sturm, Ruger and Company, Inc.), 9mm, semi-automatic pistol, Model EC9s, with an obliterated serial number seized by Metro PD; were both manufactured outside the State of Michigan and are firearms as defined in Chapter 44, Title 18, United States Code.

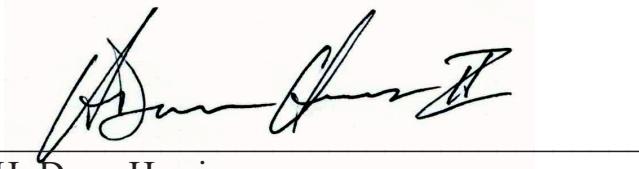
19. A criminal history check of the State of Michigan 7th Circuit Court records reported the following felony convictions which are punishable by a term of imprisonment which exceeds one year:

- Case Number 13-32408-FH – Convicted February 19, 2013 –
Maintaining a Drug Vehicle and Possession of Marijuana.

Sentenced April 22, 2013 to ninety (90) days in jail with eighteen months (18) probation. July 2013 probation violation.

- Case Number 13-33330-FH - Convicted August 9, 2013 – Assault with a Dangerous Weapon. Sentenced September 3, 2013 ninety (90) days in jail with twenty-four (24) months probation. December 2014 probation violation.
- Case Number 15-36802-FH – Convicted July 27, 2015 – Felony Firearm, Possession of a Firearm by a Felon, Delivery of a Controlled Substance (two (2) counts), and Possession of Marijuana. Sentenced November 5, 2015 to two (2) years in prison for Possession of a Firearm by a Felon and Delivery of a Controlled Substance along with two (2) years consecutive sentence for Felony Firearm.
- Case Number 19-45082-FH – Convicted May 14, 2019 – Possession of Methamphetamine and Controlled substance Possession less than 25 grams. Sentenced June 28, 2019 to one hundred twenty (120) days in jail consecutive due to Garza being on parole at the time of the offense.

20. Based on the foregoing, I have probable cause to believe that on November 20, 2020, and November 26, 2020, in the Eastern District of Michigan, Noe Garza violated 18 U.S.C. § 922(g)(1) (possession of firearms and ammunition by a prohibited person); 21 U.S.C. § 841(a) (distribution of controlled substances); 18 U.S.C. 924(c) (carrying a firearm during and in relation to a drug trafficking crime); and that on November 26, 2021, in the Eastern District of Michigan, Noe Garza violated 18 U.S.C. § 922(k) (possession of a firearm with an obliterated serial number).



H. Dann Harris
Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence and/or by reliable electronic means on this 11th day of June, 2021.



Hon. Kimberly G. Altman
United States Magistrate Judge